

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

RUBEN EDWARD MORA,

Plaintiff,

v.

OGNJEN PETRAS, et al.,

Defendants.

No. 2:20-cv-0749-EFB P

ORDER AND FINDINGS AND
RECOMMENDATIONS

Plaintiff is a state prisoner proceeding pro se and in forma pauperis in an action brought under 42 U.S.C. § 1983. On May 5, 2020, the court determined that plaintiff's complaint had alleged, for screening purposes, a viable Eighth Amendment deliberate indifference to medical needs claim against defendant Petras, but had not alleged any viable claims against defendants Austin or Kolakowski. ECF No. 4. The court informed plaintiff he could proceed with the viable claim only or file an amended complaint within 30 days. *Id.* Plaintiff has elected to proceed only with the viable claim against defendant Petras. ECF No. 8.

Accordingly, IT IS ORDERED that the Clerk of the Court shall randomly assign a United States District Judge to this case.


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1 Further, IT IS RECOMMENDED that plaintiff's claims against defendants Austin and
2 Kolakowski be dismissed without prejudice.

3 These findings and recommendations are submitted to the United States District Judge
4 assigned to the case, pursuant to the provisions of 28 U.S.C. § 636(b)(1). Within fourteen days
5 after being served with these findings and recommendations, any party may file written
6 objections with the court and serve a copy on all parties. Such a document should be captioned
7 "Objections to Magistrate Judge's Findings and Recommendations." Failure to file objections
8 within the specified time may waive the right to appeal the District Court's order. *Turner v.*
9 *Duncan*, 158 F.3d 449, 455 (9th Cir. 1998); *Martinez v. Ylst*, 951 F.2d 1153 (9th Cir. 1991).

10 Dated: June 5, 2020.

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12 EDMUND F. BRENNAN
13 UNITED STATES MAGISTRATE JUDGE
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